

REMARKS

Applicant notes that his Petition to Make Special was acted on nineteen months after the filing date. In view of the long delay, Applicant reserves the right to withdraw the Petition.

In the office action mailed June 25, 2003, the Examiner rejected claims 1-28 under 35 U.S.C. 102(b) as being anticipated by Treisman. Applicant respectfully traverses this rejection.

Claims 1 and 16 have been amended to provide that the flexible lens element or membrane has an edge portion which is clamped between two rings so as to pivot freely between the two rings as the lens element or membrane flexes. As shown for example by Fig. 2 of the application, the flexible membrane 21 is clamped between rings 61 and 43. As the membrane flexes, the edge also flexes so as to minimize any distortion around the outer periphery of the membrane 21. Such a lens arrangement is particularly suited for eyewear for distortion around the edges of the lens elements needs to be minimal. In addition, the invention allows a relatively wide angle of view.

Triesman does not show the same type of edge portion configuration. The edges of the flexible membranes 10, 11 are not free to flex due to their constraint by members 17-19. As shown in Fig. 1 of Triesman, the

edges will bend around the respective corners of 17, 18, and 19. This provides distortions in the membranes 10, 11. Also, as illustrated in Fig. 8 of Triesman, the angle of view of the lens element is relatively narrow, being constrained by the diameter and length of the cylinder 21. Because of the edge retention configuration, a wide angle of view of difficult to accomplish.

Furthermore, the teaching of Triesman is inoperable. Triesman discloses the use of a high grade plastic foil having a thickness of 12 microns for use in flexible membranes 10 and 11 (column 3, lines 12-21). These membranes are so thin that they are unable to hold the fluid inside the cell without distortion. The Examiner's attention is directed to the enclosed Affidavit of Johnnie E. Floyd, the inventor of the present application. Mr. Floyd conducted experiments using the teachings of Triesman. He found that with a membrane as taught by Triesman, the lens does not work. The membrane, taught to be 12 microns in thickness, is too thin to provide an optical lens, and in particular an optical lens for eyewear such as eyeglasses. The pressure of the fluid is unevenly distributed across the membrane, causing the membrane to bulge in the lowermost portions of the lens. This bulging causes an optical distortion from the top of the lens to the bottom, which distortion is unacceptable. For example, when the Triesman lens element was oriented in a vertical plane, so as to look along a horizontal direction, the membranes bulged in the bottommost portions of the lens. Thus, from top to bottom of the lens, the membranes bulged or sagged outwardly, producing an optical distortion from top to bottom.

Regarding claims 2-4, the Examiner states that air in the cell would provide a null correction. Triesman does not teach this, nor does Triesman teach a null correction fluid cell in combination with a rigid third lens element.

Claim 11 provides that one of the membrane surfaces is curved. Claim 11 has been amended to clarify that one of the membrane surfaces is unflexed. For example, reference is made to Fig. 7 and page 12, lines 15-17 of the application. Triesman does not teach this. In fact, to provide a curved surface, Triesman requires a rigid lens, not a flexible one, col. 5, lines 30-33.

Claim 16 has also been amended to provide that the base is rigid. Triesman does not teach this.

With regard to claim 27 and its dependent claim 28, Triesman does not teach two lenses, with each lens having a fluid pump and the pump being controlled by a controller. Nor does Triesman teach one of the controllers selectively controlling both pumps.

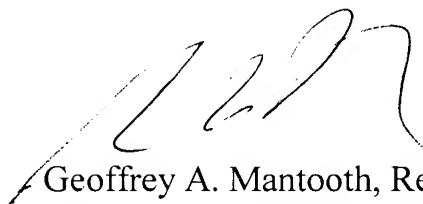
Claim 5 has been cancelled.

New claims 29 and 30 are dependent upon claims 1 and 16 respectively. The new claims provide that the passage is through one of the rings.

In view of the foregoing, it is submitted all of the claims in the application are allowable, and such allowance is respectfully requested.

Enclosed is a check in the amount of \$18.00 for the two new dependent claims. If any additional fees are required, please charge our deposit account number 23-2770.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Mantooth', is written over the printed name.

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